

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROSEMARIE OZBAKIR and ALI DEMIR,

Plaintiffs,

v.

DANIEL J. SCOTTI, JR., MARCUS & MILLICHAP
REAL ESTATE INVESTMENT BROKERAGE
COMPANY, GLEN KUNOFSKY, ANDREW R. DORF,
SCOTT DRAGOS, CHRIS ZORBAS, PGP
VALUATION, INC., BRUCE D. COLEMAN,
SOVEREIGN JF, LLC, SOVEREIGN JF, SPE
MANAGER, INC., EUREKA PETROLEUM, INC.,
TIBAROM, INC., ROCHESTER LUBE, LLC,
SAMUEL E. PEARSON, III, DEBORAH PICKETT, and
PAUL MORABITO,

Defendants.

**NOTICE OF MOTION TO
DISMISS**

Case No. 09-cv-6460L

PLEASE TAKE NOTICE that upon the Affidavit of Carolyn G. Nussbaum, sworn to October 30, 2009, the Verified Complaint, and Plaintiffs' RICO Case Statement, and the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, as well as the prior proceedings herein, Defendants Sovereign JF, LLC and Sovereign JF, SPE Manager, Inc. will move this Court, before the Honorable David G. Larimer, United States District Court Judge, at the United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be set by the Court, for an Order, pursuant to Rules 8, 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint and all claims against either of them, for failure to plead the claims in the Complaint with the requisite specificity and failure to state a valid claim.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Evidence 201(b), and upon the Affidavit of Carolyn G. Nussbaum, sworn to October 30, 2009, and the accompanying Memorandum of Law in Support of the Request for Judicial Notice of Defendants

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Sovereign JF, LLC and Sovereign JF, SPE Manager, Inc., the Court is asked to take judicial notice of certain materials attached to the accompanying Affidavit of Carolyn G. Nussbaum.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule of Civil Procedure 7.1(c), the moving party intends to file and serve reply papers and that the opposing parties are therefore required to file and serve opposing papers at least eight (8) business days before the return date of this motion or as may otherwise be ordered by the Court.

Oral Argument is requested.

Dated: October 30, 2009
Rochester, New York

NIXON PEABODY LLP

By: /s/ Carolyn G. Nussbaum
Carolyn G. Nussbaum
*Attorneys for Defendants Sovereign JF, LLC and
Sovereign JF, SPE Manager, Inc.*
1100 Clinton Square
Rochester, New York 14604-1792
(585) 263-1000
cnussbaum@nixonpeabody.com

KEKER & VAN NEST LLP

By: /s/ Dan Jackson
Daniel Purcell
Dan Jackson
*Attorneys for Defendants Sovereign JF, LLC and
Sovereign JF, SPE Manager, Inc.*
710 Sansome Street
San Francisco, California 94111
(415) 391-5400
dpurcell@kvn.com
djackson@kvn.com